

11 December 2000

Tom McCarthy  
National Labor Relations Board  
1099 14th Street NW, Suite 5530  
Washington, DC 20570

Dear Mr. McCarthy:

Thank you for inviting me to meet with you today to present evidence backing my charge against *Physics Today* magazine, my former employer. As I will explain, *Physics Today* fired me in retaliation for my workplace activism. This activism includes my work with coworkers to address workplace issues such as working conditions, workload, pay, job security, distribution of job tasks, punitive action by management against individual staff members and so on. The activism for which they retaliated also includes concerted activity with coworkers to secure the right of staff members to discuss workplace issues with each other, as well as simple communication with coworkers about workplace issues.

As former coworkers will testify, I was a workplace activist at *Physics Today*, which is published by the American Institute of Physics, in College Park, Maryland. While doing my assignments conscientiously and always beating my deadlines, I worked with other staff members to improve the organization and give the staff a say in decisions affecting their working lives.

The company was out to silence me. Firing me was the final step in an escalating series of very repressive measures that the company took to stop me from speaking to coworkers about workplace issues and to stop me from speaking out on behalf of concerned coworkers. Those measures included inaccurate, unfair and punitive 1998 and 1999 performance reviews that grossly underreported the amount of work I had done, a gag order on me, a ban on private conversations between me and my coworkers, and a witch-hunt that frightened coworkers who worked with me on workplace issues or who merely spoke with me about such issues.

*Physics Today* management turned against me permanently around 1997, and in my next annual performance review went back and criticized me strongly for working with coworkers to raise workplace issues during the year prior to the one under review. From then on, *Physics Today* subjected me to what amounted to a non-expiring demerit system in which my standing in the eyes of management was lowered by all of my past perceived misbehavior, no matter how long past. Nothing was forgotten, and whenever my supervisors criticized me, they made explicit references to my earlier workplace activism. (For example, during my 1999 performance review — the last one before I was fired — management criticized me harshly for circulating to the staff an earlier memo that I wrote to management covering many workplace issues.) Management seemed set to welcome any excuse to fire me.

The repressive conditions that management imposed to stop my organizing efforts did not deter me. As management was well aware, my organizing efforts continued, and continued to have an impact on the workplace. I was operating under explicit orders not to discuss workplace issues privately with coworkers. And my coworkers knew that management didn't want them to talk to me about workplace issues. (They would come and talk to me anyway, often closing the door to my office and positioning themselves behind it so that they couldn't be seen from the outside.) I met with coworkers to discuss individual and group workplace problems, and to plan individual and collective action for addressing the problems. This involved, for example, spreading the word to get coworkers to support each other in disputes with managers and getting coworkers to push for common goals at meetings — goals such as hiring more staff to handle the increased workload, staff participation in decisions affecting the distribution of work, relief for staff members with excessive workloads and so on.

Because of the repression, the right to organize itself became a big issue. In one instance (17 – 30 August 1999), after I organized support among coworkers for the right of staff members to discuss performance reviews and disciplinary action with each other, management made a two-week-long effort to intimidate those involved, by demanding that I reveal which coworkers I had spoken with and what they had said. In the end, I spoke to management on behalf of all the coworkers involved, and defended our right to discuss workplace issues privately. I refused to reveal which coworkers were involved in the discussions and what was said. This left my supervisor angry.

In the months leading up to my dismissal, management caught me several other times violating the ban on discussing workplace issues privately with coworkers. The last time that I recall was two weeks before they fired me. Management knew that they discovered only a fraction of my conversations with coworkers and that I was not about to stop being what they considered a bad influence on my coworkers. Coworkers were upset but not surprised when I was fired.

The company fired me on the pretext of misconduct: They accused me of writing a book on company time. The State of Maryland Department of Labor, Office of Unemployment Insurance, conducted a detailed investigation into the circumstances under which *Physics Today* fired me, and found no evidence of even “simple misconduct” on my part, leaving my workplace activism as the more obvious explanation for my firing. Thus the state awarded me full unemployment benefits despite the fact that I was fired for cause. The company, lacking any real evidence to back its claim, did not appeal. Inconveniently, for 19 years they had given me raises and promotions based explicitly on close scrutiny of the quantity and quality of my work (they invariably said that I met or exceeded the job requirements). At the time they fired me, I was two months ahead in my work, having just fulfilled my entire annual review-period work quota in the first 10 months of the period, and I had a thick file of praise for my work — from both management and outsiders.

I did write a book — *Disciplined Minds* (Rowman & Littlefield, 2000) — but on my own time. I am sure the company didn’t like the book, in part because it argues strongly that workplace organizing is the solution to workplace problems. The company’s phony charge of misconduct was based on its opportunistic interpretation of dramatic writing in the book itself (a nod to Abbie Hoffman’s 1971 classic, *Steal This Book*). Instead of simply ignoring the book, management chose to make the most extreme interpretation possible of writing in it set years ago in another city. It is very telling that despite my 19 years of service to *Physics Today*, my supervisors did not ask me even a single question about the book, or about anything else, before dismissing me. I hope you will consider this fact as you apply common sense in your investigation. My supervisors were looking for an opportunity to get rid of me.

The company apparently thought the book looked so radical that no one would defend me. But that hasn’t been the case. In addition to the Maryland Department of Labor finding, there have been many protests, including protests by sixteen former *Physics Today* staff members and by the National Writers Union (UAW local 1981), of which I am a member.

I am enclosing a chronological list of some relevant events, along with some documents referred to in the list, and other information. I can provide much more information and much more detail on the enclosed information; just let me know what you need.

I and the many people who are interested in this case find it difficult to imagine that the company’s behavior is permitted by the law that you administer. We hope that, in the interest of justice, you will confirm our understanding.

Sincerely,

